

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

| | | |
|--------------------------------------|---|-----------------|
| AMC DEMOLITION SPECIALISTS, INC., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 3:04-CV-466 |
| |) | (Shirley) |
| BECHTEL JACOBS COMPANY, LLC, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |
| |) | |
| PROFESSIONAL PROJECT SERVICES, INC., |) | |
| |) | |
| Intervening Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| AMC DEMOLITION SPECIALISTS, INC., |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |
| |) | |
| CALIFORNIA BANK & TRUST, |) | |
| |) | |
| Intervening Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| AMC DEMOLITION SPECIALISTS, INC., |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |
| |) | |

| | |
|-----------------------------------|---|
| NORTH ATLANTIC NATIONAL BANK, |) |
| |) |
| Intervening Plaintiff, |) |
| |) |
| v. |) |
| |) |
| AMC DEMOLITION SPECIALISTS, INC., |) |
| |) |
| Defendant. |) |

ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636(c), Rule 73(b) of the Federal Rules of Civil Procedure, and the consent of the parties, for all further proceedings, including entry of judgment [Doc. 9].

For the reasons set forth in the memorandum opinion filed simultaneously herewith, it is hereby **ORDERED**:

(1) AMC's Motion for Partial Summary Judgment [Doc. 49] is **DENIED**.

(2) Intervening Plaintiff North Atlanta National Bank's Motion for Partial Summary Judgment [Doc. 61] is **GRANTED**. The Court finds that NANB is a perfected secured party with priority over the claim of Pro2Serve with respect to the HRE Project, and that NANB is a perfected secured party with priority over CALBT with respect to the RASW and Firewater Tower Projects. The Court further finds that NANB is entitled to the proceeds of the litigation between AMC and BJC, if any, in the amount of \$222,916.74, plus all accrued unpaid interest.

(3) The Motion by California Bank & Trust for Summary Judgment [Doc. 68] is **GRANTED**. The Court finds (1) CALBT is entitled to a judgment against AMC in the amount of \$147,674.29, plus interest from May 26, 2006 at the 8%, plus an award of reasonable attorneys' fees

and expenses; (2) that CALBT has priority over NANB as to the proceeds, if any, due to AMC from BJC regarding the HRE Project; and (3) that CALBT has priority over Pro2Serve as to the proceeds due to AMC from BJC.

(4) The Motion for Partial Summary Judgment by Intervening Plaintiff Professional Project Services, Inc. [Doc. 71] is **DENIED**.

(5) BJC's Motion to Dismiss or for Summary Judgment [Doc. 76] is **GRANTED** to the extent that AMC's claim on a sworn account is **DISMISSED WITH PREJUDICE**. In all other respects, BJC's motion [Doc. 76] is **DENIED**.

(6) AMC's Motion to Compel Mediation [Doc. 112] is **GRANTED**.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge